

N.Y.S.D. Case #
09-cv-8011(KBF)

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 20th day of March, two thousand and thirteen.

Before: Rosemary S. Pooler,
Circuit Judge.

Barton Boothe,

Appellant,

v.

Direxion Shares ETF Trust, Daniel O'Neill,
Daniel J. Byrne, Gerald E. Shanley, III, John
Weisser, Rafferty Asset Management, LLC,

Defendants - Appellees.

ORDER
Docket No. 12-725

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: March 20, 2013**

IT IS HEREBY ORDERED that the motion by appellant Barton Boothe for adjournment of submission of this appeal until after determination of settlement of the underlying case in the District Court is GRANTED. Appellant must file a status update letter regarding proceedings in the District Court on or before May 17, 2013 and every 30 days thereafter.

For the Court:

Catherine O'Hagan Wolfe,
Clerk of Court


Catherine O'Hagan Wolfe

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit


Catherine O'Hagan Wolfe

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